

**MINUTES OF LAYTON CITY
COUNCIL WORK MEETING**

NOVEMBER 21, 2013; 5:36 P.M.

**MAYOR AND COUNCILMEMBERS
PRESENT:**

**MAYOR J. STEPHEN CURTIS, MICHAEL
BOUWHUIS, JOYCE BROWN, BARRY FLITTON
AND JORY FRANCIS**

ABSENT:

SCOTT FREITAG

STAFF PRESENT:

**ALEX JENSEN, GARY CRANE, TRACY
PROBERT, TERRY COBURN, BILL WRIGHT,
PETER MATSON, KENT ANDERSEN, JAMES
(WOODY) WOODRUFF AND THIEDA WELLMAN**

The meeting was held in the Council Conference Room of the Layton City Center.

Mayor Curtis opened the meeting and excused Councilmember Freitag. He turned the time over to Alex Jensen, City Manager.

AGENDA:

AUDIT AND FINANCIAL REPORTS – FISCAL YEAR ENDED JUNE 30, 2013

Ed Erickson with Hansen Bradshaw Malmrose and Erickson said they met earlier with the Audit Committee to review the audit report. He reviewed some of the reports they were required to provide as part of the CAFR and indicated that their opinion was a clean opinion, which was the highest opinion they could provide. Mr. Erickson said the CAFR fairly represented the City's financial condition in all material respects. He said they found no material weaknesses or deficiencies with internal control and compliance relative to grants the City received. Mr. Erickson said there were two minor compliance issues that Mr. Rob Wood would report on.

Rob Wood said there were only two minor items noted relative to State compliance; one dealing with budgetary compliance and one dealing with a deficit fund balance. He said the one dealing with budgetary compliance had to do with an overage in the debt service fund. Mr. Wood said UTOPIA's increase in pledge payments occurred in June of each year; this year there was a 2% increase that Staff did not address until after the June 30, 2013, year had closed. He said this exceeded the budget amount by \$3,577. Mr. Wood said the second compliance item had to do with a deficit fund balance in the UIA fund of \$601, which was a very insignificant amount.

There was discussion about reporting of the Utah Retirement System contributions.

Mr. Wood said there were two significant GASB requirements that were addressed this year; he explained those requirements.

Councilmember Francis asked if there was anything the City could do better.

Mr. Wood said in addition to working on the audit, he lived in Layton. He said in their professional opinion, Layton was one of the best run cities in the State.

Tracy Probert, Finance Director, said Staff would be looking closer at inventory controls, which was something the auditors mentioned as an issue in other cities.

Mr. Wood explained that this year they did a physical inventory of the water fund facilities.

Mayor Curtis thanked the auditors for the work they did for the City.

Tracy said the general fund unassigned fund balance was 18.1% as of June 30, 2013. He said with the new way of calculating the State maximum of 25%, the City's fund balance was 23.4%. Tracy indicated that the enterprise funds were in good financial health with adequate reserves.

Tracy said sales tax revenues had increased year over year, and building activity hit record levels for the fiscal year. He explained the capital projects that were completed last year including the splash pad, the fire training facility and the new water tank. Tracy said revenues in the general fund were \$1,400,000 over what was budgeted; licenses and permits were almost \$500,000 over budget. He said the amended budget originally included spending \$1,400,000 of fund balance, but that ended up being zero because of the additional revenues that were received. Tracy said this was a great position for the City to be in.

Councilmember Bouwhuis asked if there were opportunities lost with not allocating the fund balance. That was a significant amount of money that wasn't used in the budget.

Tracy said through the year Staff looked at sales tax revenues cautiously; overall the City's philosophy was to have the money in hand before moving forward with projects. Very often revenues were not known until the end of the year.

Councilmember Bouwhuis said it seemed that the Council had this same discussion last year. He said it was probably a good idea to accumulate funds if there was a big project planned in the future. Councilmember Bouwhuis said he wasn't being critical, but when they looked at the picture at the beginning of the year they felt secure in FY13 that the \$1,469,000 was available, therefore it was allocated into various budgets. He said if they had known that it wasn't going to be spent, would they have spent it differently; would they have given higher salary increases; would they have done another road project.

Tracy said coming out of the harsh recession, the philosophy was to be cautious. He said by using the \$1,469,000, it would have taken the unassigned fund balance down to 13.5%. Tracy said some cities appropriated funds as soon as they came in, but that was a dangerous game, depending on what the focus was.

Councilmember Bouwhuis said he understood that because DATC lived for three years off of fund balance; if that hadn't been available he wouldn't have been able to keep enrollments up.

Tracy said the City had a couple of years of savings; if the \$1,469,000 had been used, there would only be one year.

Councilmember Brown said there was nothing scaled back in the budget that was planned, such as the splash pad, the water tank and the fire training facility. She said the City just didn't have to use reserve funds to do it.

Tracy reviewed individual department/division budgets and explained that most of the excess budget had to do with wages and unfilled positions. He reviewed a summary of the fund balance for the general fund and he reviewed the enterprise funds.

DEVELOPMENT AGREEMENT AND REZONE REQUEST – GREEN AND GREEN – R-S (RESIDENTIAL SUBURBAN) TO PB (PROFESSIONAL OFFICE) – 836 SOUTH ANGEL STREET – RESOLUTION 13-35 AND ORDINANCE 13-18

Bill Wright, Community and Economic Development Director, explained what had occurred with this proposal since the public hearing on August 15th when the item was tabled. He said this was a proposed rezone from R-S to PB for property located on the southwest corner of the Angel Street and Layton Parkway intersection. Bill explained the extension of Layton Parkway to the west.

Bill said at the last meeting there were items brought up and discussed relative to the General Plan and the map that was part of the General Plan. He said PB zoning was not identified on the map; the map was a general overview of the various zoning districts in the City. Bill said there were some policy recommendations that came into play relative to the PB zone. He said professional businesses may be appropriate at entry streets into single family residential subdivisions and were appropriate at intersections of arterial and collector streets. Bill said none of the current PB zones were identified on the zoning map; they were identified by the policies included in the General Plan. He said this rezone approval was not coming with a General Plan amendment because it met the General Plan requirements for the PB zone.

Bill displayed photos of other PB zoned developments in the City, including some medical and dental offices. He said in the last meeting there was a lot of discussion about traffic flow and how that would occur on Angel Street. Bill said since the August meeting the Engineering Division had developed a striping plan for how traffic would flow. He said the striping had been installed by the Public Works Department. Bill displayed drawings of the striping pattern and explained that there would be a center turn lane and a dedicated left turn lane at the intersection.

Councilmember Bouwhuis asked about the location of the driveway into the property.

Bill indicated that the driveway would be as far south of the intersection as possible, which would be much farther south than a residential driveway if the two lots were developed as residential.

Councilmember Flitton asked about the large utility boxes on the corner of the property.

Bill said one utility box was for the traffic signal. The large green box was a Rocky Mountain Power box. If this was developed as a residential lot, all of those would sit in front of the house.

Councilmember Brown said having two homes on those lots, with cars backing out of the drive, would be more dangerous than cars accessing the PB use coming out frontwards.

Ed Green explained that the large box was south of the intersection because of site distance concerns.

Mayor Curtis asked how the sound wall that would be constructed as part of the Parkway would affect the lot.

Mr. Green said the six foot high wall would stop quite a few feet back from the intersection and would go down to three feet high, providing for a clear view area.

Councilmember Flitton asked what the distance was from this intersection to 500 South.

Peter said it was about 1/3 mile.

Councilmember Brown asked how many homes were between Kennington Parkway Subdivision and Roberts Farms Subdivision.

Bill said Kennington Parkway had 42 lots in the first phase and there were approximately 20 in phase 8 of Roberts Farms.

Councilmember Brown said at the August meeting a citizen commented that if this were developed as a professional business it would generate 200 trips a day. She said she recently visited her dentist and there were three dentists in the office. Councilmember Brown said her dentist indicated that each dentist saw about 20 patients per day, which would be 60 for three dentists, not 200.

Bill said the packet contained information about national engineering standards. He said based on 3,300 square feet of dental space, plus two suites of general office, the development would generate 119 trips per day. Bill said the peak p.m. hour would be 12 trips. He said they used general office guidelines for the two remaining suites because the dentist had indicated that he would not want another competing dental practice in the building. Bill said they would look to businesses that would complement the dental office.

Councilmember Brown said complimentary types of businesses could be an orthodontist or oral surgeon.

Bill said that was a possibility. He said at that point, Staff would analyze the parking requirements to see if there was enough parking for that mix of tenants. Bill said the dentist had mentioned a lab, which would have no customer parking needs.

Bill said Staff didn't find any technical reason why this proposal would cause public safety issues. He said the standards the Council had to meet for a rezone included: 1) was it consistent with the General Plan; 2) were there benefits for the citizens in general; and 3) that it wasn't causing any harm to the City. Bill said Staff recommended approval and the Planning Commission unanimously recommended approval.

Councilmember Brown said she noticed that the development agreement was amended to indicate that the building could not be more than one story and not be over 30 feet high. She said some of the PB developments were designed to look like a home; could some guidelines be added to the development agreement to require that.

Mr. Green said he wouldn't be building the dentist building, but that was something that could be easily accommodated.

Bill said design standards were addressed in the PB zoning standards. He said the plan would also go before the Design Review Committee, and there were covenants on the property as part of the subdivision.

Council and Staff discussed trips per day and peak travel based on national standards.

Bill indicated that the available capacity of the road in peak travel times was 1,200 cars per hour at this location on Angel Street. He said this business would probably add 25 peak cars per hour, and the existing peak was at 600 cars per hour. Bill said the road was well within the ability to be able to handle the traffic that would be generated by the site.

Councilmember Francis asked if this was only the zoning phase of the project; what was the entitlement on the property.

Bill said the property was entitled to the R-S zone. He said if the rezone was approved, there would be a site plan review.

Councilmember Flitton said north of Layton Parkway on the west side all of the new lots were fed from

an interior road.

Councilmember Bouwhuis said all of the lots in Kennington Parkway would have to feed from interior streets.

Bill said that was correct. He said there were some existing homes that fronted onto Angel Street and there was one lot the City was purchasing for a Davis School District home that would have to front onto Angel Street.

Gary Crane, City Attorney, said the Council had broad discretion in making zone changes as long as they were rationally based. He said the strongest reason to support or turn down a zone change was the General Plan. Gary said if a request was consistent with the General Plan, the Council would have to find a reason to not grant that, and the two reasons the court recognized was that the area was totally inconsistent with what was being proposed or if there had been a mistake in the General Plan. He said the General Plan was the strongest reason for zoning. The City's General Plan consisted of two parts; the map and the written portion. Gary asked the Council to state their reasons when they made a motion in the regular meeting to approve or disapprove the rezone.

PROPOSAL AWARD – BOWEN, COLLINS & ASSOCIATES INC. – SANITARY SEWER MASTER AND MANAGEMENT PLANS – RESOLUTION 13-58

Terry Coburn, Public Works Director, said this was a proposal award to Bowen, Collins & Associates to update the sanitary sewer master plan and develop a sanitary sewer management plan. He said there were four companies that submitted bids and this bid was about \$12,000 less than what was budgeted.

The meeting suspended at 6:57 p.m. for regular meeting.

The meeting reconvened at 10:01 p.m.

DISCUSSION – PARK AND RIDE – HIGHWAY 89 AND ANTELOPE DRIVE

Alex said Staff wanted to give the Mayor and Council some background information. He said as part of the Antelope Drive/Highway 89 project, there had been some private conversations between UDOT and Staff that the Mayor and Council had not been made aware of. Alex said given the variety of opinions of the park and ride that existed in the community, Staff wanted to make the Mayor and Council aware of those discussions.

Alex said there had been a discussion with UDOT where Staff expressed their dissatisfaction with the fact that these issues were never presented publicly. He said it had to do with who would have responsibility to maintain the park and ride lot. Alex said this was a UDOT project that was not initiated by the City and the City would not have ownership of it, but UDOT's typical approach was to build the frontage roads and park and rides and then essentially walk away from them and they become the responsibility of cities, even though the cities didn't have ownership.

Alex said the City was expected to provide police services, snow plow services, maintenance of the asphalt when it needed resurfacing or striping, and provide power to light the area. He said on Main Street, the City had responsibility for everything outside the curb, such as replacing light bulbs, whether the City wanted it or not. Alex said he didn't think anyone had any idea that this would be UDOT's approach on the park and ride, which was between UDOT and UTA. He said Staff argued that it was the State that had the primary interest in providing park and ride facilities to move people across the State, particularly given this location along one of their transportation corridors. Alex said Staff also argued that these were not City buses picking up people and charging fees, they were UTA buses, and it seemed logical that UTA would be responsible for maintaining something that was a revenue producer for them. He said their statement was that UTA had limited funds and wouldn't be able to maintain the lot, but they

felt that they could come in every week or two and pick up the trash, but other than that they weren't in any position to do it.

Councilmember Bouwhuis said but yet they proposed the park and ride without the City's knowledge, and quite frankly that was a public relations wreck for them. He said the citizens probably agreed with a lot of things that night, but the park and ride was a show stopper.

Alex said Staff's desire was not to throw UDOT under the bus; Staff worked with, argued with, sometimes agreed with them and had a good relationship with UDOT in general. He said Staff had looked at other park and rides, and had talked to some of the other cities to see how they were handling this.

Alex said generally when the City did road construction, Staff tried to look ahead to see if there were utilities that needed to be upgraded or relocated. He said Staff suggested to UDOT that there were some water lines and other types of lines that should be relocated now as they relate to the frontage road and the park and ride area. Alex said there were some water lines that ran through that area that were fairly deep, and those lines should be moved to the frontage road to allow for access. He said UDOT's assertion was that if it absolutely didn't have to be relocated, even though it made prudent sense, they didn't want to fund that.

Alex said Staff also suggested that if UDOT was going to take the approach of building the infrastructure and then dumping it on the City, at least they should be willing to build it to the City's standards; such as landscaping standards and lighting standards, and they reject that approach as well. He said UDOT indicated that they would build it to their standard, which was a very base standard. Alex said in his view that standard considered the movement of vehicles, but ignored aesthetics, feel, community, environment, etc. He said Staff wanted the Council to have this information as they took public feedback and weighed the pros and cons of the project; the City did have the ability to weigh in and say they wanted it or didn't want it, or wanted it under certain conditions.

Councilmember Bouwhuis asked if it would be wise to create a document that stated under these conditions the City was not in agreement with the project.

Alex said he thought that that could be done. He said through information Kent Andersen gathered from other cities, the agreements did vary from city to city. Alex said some provided for the maintenance of some things on UDOT's part. Alex said he felt the City could engage UDOT and indicate that they didn't think this was fair and they didn't accept it, and have a negotiation.

Councilmember Flitton asked if the agreements between cities differed because of the pressure from the city.

Alex said he didn't know if that was the case but he would suspect that that might be a piece of it, but it was mostly timing of the projects. He said some of the agreements were fairly old. Alex said respectfully, UDOT's response to a lot of things was that they just didn't do that. He said those were some of the things Staff needed feedback on from the Council as they engaged UDOT in these discussions.

Councilmember Bouwhuis said he didn't think the park and ride at this location, in a residential area, was the best location. He said the area by the coffee shop, or near Adams Canyon where there were parking issues, would be a much better location.

Bob Stevenson, Mayor Elect, asked if Staff couldn't approach UDOT and suggest that the City would support the park and ride at one of these other locations.

Councilmember Flitton said at the last meeting UDOT admitted that the location of the park and ride was somewhat arbitrary.

Councilmember Bouwhuis asked if there was any information about the Kaysville lot. He said that lot was undersized and there were issues with commuters parking on the residential streets in the area.

Kent Andersen, Community and Economic Development Specialist, said Kaysville didn't mention it being a problem with commuters parking on public streets, but Fruit Heights had mentioned that.

Councilmember Bouwhuis said that was the lot he was referring to.

Kent said the State had proposed an addition to that lot and the City Administrator was willing to accept an expansion of the lot because of the concern for parking on the public streets. He said Fruit Heights had all responsibilities of the lot, including resurfacing, repainting, improvement of signs, etc. Kent said they would like the opportunity to renegotiate their agreement.

Councilmember Francis said liability was a huge concern as well.

Kent said Fruit Heights said the big liability concern was slip and fall; if the City wasn't removing the snow and someone fell, who would be responsible. He said South Weber had a major enforcement issue at that lot with long term parking because of the size and location of the lot. Kent said police enforcement was a constant concern for them. He said Fruit Heights expressed a concern with breaking and entering.

Alex said there were a variety of concerns similar to what the City had; some of the agreements provided for those and some didn't. He said some cities wished that they had approached it differently. Alex said Staff felt that it was worth pursuing based on the Council's direction; how UDOT would respond was unknown. He said UDOT had inferred that if the City wanted to kill the park and ride they could do that. Alex said UDOT would want to position it so that it was the City doing that as opposed to their unwillingness to work with the City being the problem.

Councilmember Bouwhuis mentioned issues with bus service in the community.

Councilmember Brown said the City didn't take care of the parking lot for the FrontRunner station.

Alex said that was correct. He said that was a perfect example, but for some unknown reason UDOT saw that differently.

Councilmember Brown said if they want the City to take care of the lot, they couldn't stop the City from charging a fee to use the lot.

Alex said they would probably say go ahead and charge a fee, which wouldn't be popular.

Kent said UDOT would still own the property and would control access into the lot; something like that would have to be written into the agreement.

Councilmember Brown said it made no sense that they would own the property but the City would be expected to maintain it.

Councilmember Francis said it made no sense that the City would take on the liabilities.

Kent said he didn't quite understand how the liabilities would work out.

Gary Crane said the liability would be for anything the City took responsibility for doing. He said if the City took responsibility for plowing the lot, and it wasn't properly plowed and there was an accident or someone was hurt, the City would be responsible for it. Gary said vandalism to a car parked in the lot would not be the City's responsibility. He said enforcement would be typical police enforcement; they

didn't have a separate police force. Gary said anything the City took on to do such as striping, cleaning, plowing or resurfacing, the City would take responsibility for.

Alex said the cost for taking care of the parking lot was something the City could absorb, but it was a matter of principle as much as it was the dollars; the City's dollars were as valuable as UDOT's dollars. He said when you considered the frontage road system, and trying to put in something that was aesthetically pleasing and met the standards of the City, such as lighting, and they wanted to put in the standard pole, then those costs ramped up. Alex said moving water lines and other utilities involved a lot of money, which made sense to do during the construction process.

Alex said UDOT generally agreed that the life of the parking lot could be fairly short if they did further improvements to Highway 89. He said they had indicated that it could go away in 5 to 10 years.

Woody Woodruff, City Engineer, said this was a step in the future direction of a full interchange at this intersection. He said if that happened, the off-ramps would come through the park and ride lot, which would have to be relocated. Woody said there really was no good alternative location, in this area, for the park and ride lot.

Woody said UDOT had done some widening on Highway 89 and the City's waterline was currently located just off the asphalt of Highway 89. He said that waterline should be moved into the frontage road, because it connected to the public streets. Woody said for fire protection, which UDOT didn't acknowledge or really care about, it would be better. He said it was difficult for the City's equipment and employees to access the waterline where it was currently located. Woody said in the future Highway 89 would be widened to three lanes in each direction. He said the City had indicated that instead of moving that waterline in the future when the widening happened, it should be moved now and put under the frontage road when it was being built. Woody said the cost to move the waterline in the future would be twice as expensive. He said a lot of current connections to the line would have to be moved now because of all of the cuts and fills; it just made sense to move the waterline into the street now. Woody said UDOT had agreed to pay 100% for a sewer line that would need to be relocated. He said the City would need to pay to have a waterline run down Antelope Drive that was not currently there.

Woody said Staff did some estimates on the cost of maintaining the park and ride lot. He said it would cost the City about \$10,000 per year for snow removal, striping every other year and seal coat every five years. Woody said there would be landscaping costs and power costs.

Councilmember Brown asked if that included the frontage road.

Woody said no.

Alex asked Woody to speak to the other section of Antelope Drive that had been discussed for improvements.

Woody said one of the biggest concerns was the Oak Forest intersection. He said Staff was considering a smaller roundabout that would fit in the area without having to purchase right of way from the property owners. Woody said he wasn't sure of the cost, but the cost for a larger roundabout at the Church Street intersection was estimated to be \$200,000. He said the smaller one at Oak Forest would be between \$50,000 and \$100,000. Woody said the impacts to the City for this UDOT project would be about \$750,000, plus maintenance.

Gary asked if that considered any property acquisition.

Woody said the smaller roundabout would not require any property acquisition, but the larger one at Church Street did include some property acquisition.

Woody said Staff had been working closely with UDOT on this, but they were disappointed that the maintenance was not mentioned up front.

Councilmember Bouwhuis said from a professional perspective, he supported UTA and thought we needed that service. He said he had a hard time with the sharing of costs; it was a fairness issue.

Alex said that was how Staff felt about it. If the shoe was on the other foot it would not be tolerated. He said if the City did a project that impacted UDOT's infrastructure, the City would be required to adjust their infrastructure in a way that was appropriate. Alex said and yet for them, either legally or not legally by policy, they had a different standard. He said UDOT said this was what they did, if you don't want to maintain it after that let it go to pot. Alex said Staff would like to push back, but they wanted to have the Council's approval.

Consensus was to push back.

Alex said there was time to work through this and look at some other options. He said Staff would keep the Council informed.

MISCELLANEOUS:

Councilmember Bouwhuis mentioned a conversation he had with Senator Adams about Boeing coming to the State.

There was discussion about the East Gate development and the joint use agreement with Hill Air Force Base for use of the runway.

The meeting adjourned at 10:42 p.m.

Thieda Wellman, City Recorder